

Remarks

The final Office Action dated June 26, 2008 lists the following rejections: claims 1-3, 5-6, 8-9, 12-13, 17-21, 23, 26-27 and 29-30 stand rejected under 35 U.S.C. § 102(b) over Boyd (U.S. Patent No. 5,708,421); claims 7, 10-11, 14-16 and 24-25 stand rejected under U.S.C. § 103(a) over Boyd in view of Shiraishi (U.S. Patent No. 6,954,538); and claims 4 and 22 stand rejected under U.S.C. § 103(a) over Boyd in view of Steeger (U.S. Patent No. 5,012,520). In this discussion set forth below, Applicant does not acquiesce to any rejection or averment in this Office Action unless Applicant expressly indicates otherwise.

Applicant respectfully traverses the § 102(b) rejection of claims 1-3, 5-6, 8-9, 12-13, 17-21, 23, 26-27 and 29-30 because the cited portions of the Boyd reference do not correspond to the claimed invention which includes, for example, aspects directed to an acoustic source that produces an output audio signal. Applicant submits that the cited portions of Boyd, which are directed toward a base unit 10 that transmits an ultrasonic signal 30 to a remote unit 12 (*see, e.g.*, Figure 1 and Col. 4:28-55), are essentially unrelated to the claimed invention. The audio signal of the claimed invention is a signal that is audible to people, who typically have a hearing range of about 20 Hz to 20 kHz. More specifically, the claimed invention involves an acoustic (*i.e.*, pertaining to the sense or organs of hearing, to sound, or to the science of sound) source producing an output audio (*i.e.*, of or pertaining to frequencies or signals in the audible range) signal, which contains an identification signal that identifies the acoustic source. *See, e.g.*, Paragraphs 0036, 0037 and 0040 of Applicant's specification; and www.dictionary.reference.com. In contrast, the cited portions of Boyd teach that ultrasonic signal 30 "is somewhat above the highest frequency range that can be detected by the people" (*e.g.*, in the range of 30 kHz to 50 kHz). *See, e.g.*, Col. 4:50-55. Applicant submits that ultrasonic signals by definition have a frequency that is greater than the upper limit of human hearing. As such, the cited portions of Boyd do not teach an acoustic source that produces an output audio signal (*i.e.*, a signal audible to people, in the range of ~20 Hz to 20 kHz).

Moreover, the cited portions of Boyd do not teach that base unit 10 combines an identification signal (which identifies the base unit 10) with the ultrasonic signal generated by generator 18 to produce the ultrasonic signal 30. *See, e.g.*, Figure 1 and Col. 36-46.

Applicant notes that the Examiner does not specifically identify what aspect of Boyd allegedly corresponds to Applicant's identification signal. Applicant submits that the cited portions of Boyd do not teach combining an identification signal that identifies base unit 10 with ultrasonic signal 30, which is not even an audio signal as discussed above. Thus, the cited portions of Boyd do not teach combining an identification signal (that identifies the acoustic source) with an input audio signal to produce an output audio signal as in the claimed invention.

In view of the above, the cited portions of the Boyd reference do not correspond to the claimed invention. Accordingly, the § 102(b) rejection of claims 1-3, 5-6, 8-9, 12-13, 17-21, 23, 26-27 and 29-30 is improper and Applicant requests that it be withdrawn.

Applicant respectfully traverses the § 103(a) rejections of claims 4, 7, 10-11, 14-16, 22 and 24-25 because the cited portions of the Boyd reference do not correspond to the claimed invention as discussed above in relation to the § 102(e) rejection of claims 1 and 19. Applicant submits that neither the addition of the Shiraishi reference nor the addition of the Steeger reference overcome the above discussed deficiencies of the § 102(e) rejection of claims 1 and 19. In at least this regard, the § 103(a) rejections of claims 4, 7, 10-11, 14-16, 22 and 24-25 are improper because these claims depend from either claim 1 or claim 18. Accordingly, the § 103(a) rejections of claims 4, 7, 10-11, 14-16, 22 and 24-25 are improper and Applicant requests that they be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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